

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 09/944,179  
Attorney Docket No. Q66100

### **REMARKS**

Reconsideration and allowance of this application are respectfully requested. New claims 15 and 16 have been added. Claims 1-16 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

Applicant notes that the IDS form PTO/SB/08 filed on February 25, 2005 is not attached to the Office Action dated March 24, 2005, indicating the Examiner has not yet considered the IDS. Examiner is respectfully requested to consider the submitted IDS and to attach an initialed copy to the next Office communication.

### **Rejection of Claims 1-14**

Claims 1-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by “Integration of 5C with a 1394 Audio/Video Link chip” Technical White Paper (hereinafter “the 5C reference”). The rejection is respectfully traversed.

Applicants note that, although the Examiner has indicated that the 5C reference has a publication date of the year 2000, no indication could be found in the 5C reference of an actual publication date. Furthermore, the 5C reference refers to the PDI1394L41 A/V link, which was not released until the 4<sup>th</sup> quarter of the year 2000. Therefore, it appears that the 5C reference may not antedate the priority date of the instant application, September 4, 2000, and the rejection under 35 U.S.C. § 102(b) should be withdrawn. However, the Examiner’s rejections have also further been addressed as follows.

Regarding independent claim 1, the claimed invention relates to

an information transmitting system in which a plurality of information processing apparatuses are interconnected with each other via a transmitting device capable of transmitting information in accordance with a first transmission mode for transmitting information so as to be synchronous to other information or a second transmission mode for transmitting information so as to be asynchronous to other information.

Furthermore, each information processing apparatus of the claimed information transmitting system comprises a first exchange device and a second exchange device. The first exchange device mutually exchanges encryption processing information, and is “employed for encrypting said information, between the information processing apparatuses via said transmitting device in said first transmission mode.” The second exchange device “mutually exchange[es] encrypted information between said information processing apparatus via said transmitting device in said second transmission mode.”

Turning to the cited art, the disclosure of the 5C reference does not anticipate the claimed invention. In particular, there is no teaching or suggestion in the 5C reference that encryption processing information, which is employed for encrypting information, is exchanged between information processing apparatuses via a transmitting device in a first transmission mode (synchronous mode), and encrypted information is exchanged between the information processing apparatuses via the transmitting device in a second transmission mode (asynchronous mode). The 5C reference only generally describes implementation of a content protection scheme in an audio/video (AV) Link chip.

The Examiner states on page 2 of the Office Action that “Consumer Electronic devices (DTV, DSTB, DVCR, et.) capable of Full Authentication must be able to perform the function of Authentication and Key Exchange (AKE) and content stream cipher/decipher (Page 5, Paragraph 3, 5C).” However, it is unclear which feature(s) of the claimed invention the Examiner directs this contention towards. If directed towards exchanging encryption processing information, then Applicants respectfully argue that Examiner’s contention is incorrect.

Page 5, paragraph 3 of the 5C reference discloses public/private keys. The public keys of the 5C reference have to be exchanged between a sender and receiver in advance of sending information, such as real time AV data. There is no use in sending the public key together with the information, such as real time AV data, because the public key is used for encrypting the information. A private key is needed when decrypting the information, however, the 5C reference does not send a private key. Therefore, the 5C reference’s disclosure of public/private keys do not teach or suggest the encryption processing information as recited in claim 1.

The Examiner also states on pages 3-4 of the Office Action that the 5C reference discloses that “Synchronous/Asynchronous transfer modes / Isochronous (transmits over synchronous data link) and asynchronous data transfers which allow for support of streaming of real time AV data as well as command functions, control operations, and bulk data transfers, respectively.”

However, although the 5C reference may disclose different data transfers modes for streaming data, there is no teaching or suggestion in the 5C reference that a first transmission

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mode (synchronous) is used for exchanging encryption processing information and a second transmission mode (asynchronous) is used for exchanging encrypted information, as recited in claim 1. The 5C reference merely discloses that there are two kinds of transfer modes and some kinds of data can be transferred. Therefore, the 5C reference fails to teach or suggest all the features of the claimed invention.

At least by virtue of the aforementioned differences, the invention defined by claim 1 is patentable over the 5C reference. Claims 2, 3, 6 and 10-14 are related independent claims which recite elements similar to independent claim 1, and are allowable for analogous reasons. Claims 4, 5 and 7-9 are dependent claims including all of the elements of independent claim 3, which, as established above, is patentable over the 5C reference. Therefore, claims 4, 5 and 7-9 are patentable over the 5C reference for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

With further regard to claim 4, "said encryption processing information is an encryption key and an encryption table for encrypting the AV information." There is also no teaching or suggestion in the 5C reference of these further elements as claimed. The 5C reference discloses the use of public/private keys in a public key exchange system, however, the 5C reference fails to teach or suggest that encryption processing information is an encryption key and an encryption table for encrypting AV information. At least by virtue of these additional differences as well as for the aforementioned reasons, Applicants' claimed invention distinguishes over the 5C reference.

With further regard to claim 5, “said first transmission mode is an isochronous transmission mode in the IEEE 1394 Standard and said second transmission mode is an asynchronous transmission mode in the IEEE 1394 Standard.” There is also no teaching or suggestion in the 5C reference of these further elements as claimed. As discussed above, the 5C reference discloses two kinds of transfer modes and some kinds of data can be transferred, however, the 5C reference fails to teach or suggest that the particular modes of transmission of the specifically recited specific information and encryption processing information, as claimed. At least by virtue of these additional differences as well as for the aforementioned reasons, Applicants’ claimed invention distinguishes over the 5C reference.

#### **Newly Added Claims**

Applicants have added new claims 15 and 16 to provide more varied protection for the present invention<sup>1</sup>. Claims 15 and 16 are allowable for analogous reasons as discussed above, as well as for their additionally recited features.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

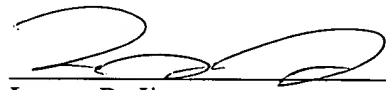
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<sup>1</sup> Support for these claims is found at least in FIG. 4 and page 27, line 14 to page 38, line 8 of the specification.

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Respectfully submitted,



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